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MERCEDES-BENZ USA, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERRY HAMM, CHARLIE A. JACQUO-
STEVENSON, AND BRYCE
MEEKER, On Behalf Of Themselves
And All Others Similarly Situated,

Plaintiffs,

v.

MERCEDES-BENZ USA, LLC,
Defendant.

Case No. 5:16-cv-03370-EJD-NMC

~~[PROPOSED]~~ ORDER RESOLVING
DISCOVERY DISPUTE REGARDING
SCOPE OF RULE 30(B)(6) DEPOSITION
TOPICS

Judge: Hon. Nathanael M. Cousins

Date: July 12, 2018

Time: 1:30 p.m.

Date Action Filed: June 16, 2016

1 Defendant Mercedes-Benz USA, LLC (“MBUSA”) and Plaintiffs Terry Hamm, Charlie
2 Jacquo-Stevenson, and Bryce Meeker (“Plaintiffs”) have filed a Joint Statement seeking to
3 resolve a dispute concerning the scope of certain deposition topics in Plaintiffs’ Rule 30(b)(6)
4 deposition notice to MBUSA. The parties appeared before the Court in a telephonic hearing on
5 July 12, 2018 to address these issues. The Court, having considered the papers filed by the
6 parties in connection therewith and the arguments of counsel, and good cause appearing, hereby
7 orders that the scope of the disputed Rule 30(b)(6) deposition topics shall be as follows:

8
9 2. Testimony concerning, MBUSA’s knowledge about the design,
10 materials and manufacturing of the 722.9 7G-Tronic automatic transmission
11 conductor plate and valve body and, to the extent known, changes to those parts
12 over time, as well as the overall function and operation of the transmission and
the primary components comprising the transmission and their function and
operation.

13 3. Testimony concerning MBUSA’s knowledge of any bench testing,
14 durability testing, pre-release data and testing, analysis of service and
15 maintenance reports and trends, quality control testing, useful life testing, actual
16 or projected failure rates, effects analyses, stress analyses, and any test or other
research study proposed, commenced, or concluded relating to the 722.9 7G-
Tronic automatic transmission conductor plate or valve body.

17 4. Testimony concerning any modifications or changes to the engineering
18 designs, manufacture, installation, research, and testing of the 722.9 7G Tronic
automatic transmission conductor plate and valve body.

19 5. Testimony relating to any lawsuits, claims, notices or customer
20 complaints regarding the repair or replacement of the 722.9 7G-Tronic valve body
or conductor plate (i.e., for claims of “limp mode”).

21 6. Testimony relating to interaction by MBUSA’s personnel with Daimler
22 AG personnel in connection with malfunction, performance, or failure of the
23 722.9 7G-Tronic automatic transmission valve body or conductor plate (i.e., for
claims of “limp mode”).

24 10. Testimony relating to, MBUSA’s knowledge of any testing of the
25 722.9 7G-Tronic automatic transmission conductor plate and valve body or
26 alternative design of the 722.9 7G-Tronic automatic transmission conductor plate
and valve body.

27 14. Testimony concerning any group or committee known to You to have
28 been formed or tasked to investigate and/or resolve issues with the 722.9 7G-
Tronic valve body or conductor plate (i.e., for claims of “limp mode”).

1
2 15. Testimony concerning the supply and availability in the United States
3 of 722.9 7G-Tronic transmission conductor plates and valve bodies.

4 16. Testimony concerning bulletins, service bulletins, technical service
5 bulletins (TSB), service manuals, FSE reports, QIR reports, warranty extensions,
6 recalls, or other similar communications, notifications, correspondence or
7 writings between Defendant and dealers, technicians, or consumers relating to the
8 relating to the repair or replacement of the 722.9 7G-Tronic valve body or
9 conductor plate (i.e., for claims of “limp mode”).

10 IT IS SO ORDERED.

11 Dated: July 12, 2018

